

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

March 2023 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

THAO THI KIM NGUYEN and
NGHIEP CHINH NGUYEN,

Defendants.

No. 8:23-cr-00106-FMO

I N D I C T M E N T

[18 U.S.C. § 1349: Conspiracy to
Commit Bank Fraud and Wire Fraud;
18 U.S.C. § 1344(2): Bank Fraud;
18 U.S.C. § 1028A(a)(1):
Aggravated Identity Theft]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Bank of the West ("BofW") was a financial institution
insured by the Federal Deposit Insurance Corporation ("FDIC").

2. California Bank & Trust ("CB&T") was a financial
institution insured by the FDIC.

3. These Introductory Allegations are incorporated into each
Count of this Indictment.

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COUNT ONE

[18 U.S.C. § 1349]

[ALL DEFENDANTS]

A. OBJECTS OF THE CONSPIRACY

4. Beginning on an unknown date and continuing through at least in or around September 2018, in Orange County, within the Central District of California, and elsewhere, defendants THAO THI KIM NGUYEN ("T. NGUYEN") and NGHIEP CHINH NGUYEN ("N. NGUYEN") knowingly conspired with Co-Conspirator 1, Co-Conspirator 2, and Co-Conspirator 3 and others known and unknown to the Grand Jury to commit bank fraud, in violation of Title 18, United States Code, Section 1344, and wire fraud, in violation of Title 18, United States Code, Section 1343.

B. THE MANNER AND MEANS OF THE CONSPIRACY

5. The objects of the conspiracy were to be carried out, and were carried out, in substance, as follows:

a. Defendant T. NGUYEN would open bank accounts at BofW and CB&T in her name to be used to receive proceeds from cash-out mortgages obtained by fraud and identity theft.

b. Defendant T. NGUYEN would accompany co-schemers, including defendant N. NGUYEN, posing as identity theft victims and would add these victims' names to bank accounts that defendant T. NGUYEN had opened to receive the fraudulent proceeds.

c. Defendant N. NGUYEN and other co-schemers would pose as victim homeowners, including victim T.C.T., and forge the victim homeowners' signatures to fraudulently obtain cash-out mortgages on properties owned by victims, which were otherwise unencumbered.

d. Defendant N. NGUYEN and other co-schemers would

1 possess and use counterfeit California Driver's Licenses ("CDLs") and
2 Social Security Cards in the names of victims.

3 e. Defendant N. NGUYEN and other co-schemers would forge
4 victims' signatures, including victim T.C.T., on mortgage and bank
5 account forms.

6 f. Defendant N. NGUYEN and other co-schemers would forge
7 victims' signatures, including victim T.C.T., on real estate
8 documents, including grant deeds for properties owned by victims.

9 g. Defendant T. NGUYEN would use her bank accounts to
10 receive wire transfers totaling more than \$2 million in fraudulently
11 obtained cash-out mortgage proceeds.

12 h. Defendant T. NGUYEN would transfer the fraudulently
13 obtained mortgage proceeds to other bank accounts she controlled and
14 would make cash withdrawals totaling approximately \$1 million.

15 i. Co-Conspirator 1 would pay defendant T. NGUYEN for
16 withdrawing the fraudulent proceeds out of her bank accounts.

17 C. OVERT ACTS

18 6. In furtherance of the conspiracy and to accomplish its
19 objects, on or about the following dates, defendants T. NGUYEN and N.
20 NGUYEN, and others known and unknown to the Grand Jury, committed
21 various overt acts within the Central District of California, and
22 elsewhere, including, but not limited to, the following:

23 Overt Act No. 1: On June 15, 2018, defendant T. NGUYEN opened
24 BofW account ending in 5754 in her name.

25 Overt Act No. 2: On June 19, 2018, defendant T. NGUYEN
26 accompanied two co-schemers posing as identity theft victims L.T.B.
27 and D.T.N. and added those victims' names to her BofW account ending
28 in 5754 by using fraudulent identification in those identities.

1 Overt Act No. 3: On July 10, 2018, defendant T. NGUYEN used her
2 BofW bank account ending in 5754 to receive a wire transfer of
3 approximately \$804,313.72 in fraudulent mortgage proceeds.

4 Overt Act No. 4: On July 10, 2018, defendant T. NGUYEN
5 transferred \$200,000 from her BofW bank account ending in 5754 to her
6 BoW savings account ending in 3377.

7 Overt Act No. 5: On July 11, 2018, defendant T. NGUYEN withdrew
8 \$10,000 cash from her BofW bank account ending in 5754.

9 Overt Act No. 6: On July 11, 2018, defendant T. NGUYEN wire
10 transferred \$150,000 from her BofW bank account ending in 5754 to her
11 Wells Fargo bank account ending in 2319.

12 Overt Act No. 7: On July 11, 2018, defendant T. NGUYEN opened
13 CB&T account ending in 0274 in her name.

14 Overt Act No. 8: On July 25, 2018, defendant N. NGUYEN and
15 another co-schemer, accompanied by defendant T. NGUYEN, posed as
16 identity theft victims T.C.T. and N.T.A.N. at a CB&T branch in
17 Orange, California.

18 Overt Act No. 9: On July 27, 2018, defendant N. NGUYEN forged
19 identity theft victims T.C.T.'s and N.T.A.N.'s signatures on a grant
20 deed for properties in Garden Grove and Long Beach, California, which
21 were owned by victims T.C.T. and N.T.A.N.

22 Overt Act No. 10: On July 30, 2018, defendant N. NGUYEN,
23 accompanied by defendant T. NGUYEN and another co-schemer, posed as
24 identity theft victims N.T.A.N. and T.C.T. and added those names to
25 the CB&T account ending in 0274 by using counterfeit identification
26 in those identities. While doing so, defendant T. NGUYEN also
27 falsely told bank personnel that victims T.C.T. and N.T.A.N. were her
28 parents.

1 Overt Act No. 11: On July 30, 2018, defendant N. NGUYEN
2 possessed and used fabricated CDLs in the names of victims T.C.T. and
3 N.T.A.N.

4 Overt Act No. 12: On August 1, 2018, defendant T. NGUYEN used
5 her CB&T bank account ending in 0274 to receive a wire transfer of
6 approximately \$623,196 in fraudulent mortgage proceeds.

7 Overt Act No. 13: On August 2, 2018, defendant T. NGUYEN wire
8 transferred \$300,000 from her CB&T bank account ending in 0274 to her
9 Wells Fargo bank account ending in 2319.

10 Overt Act No. 14: On August 6, 2018, defendant T. NGUYEN wire
11 transferred \$200,000 from her CB&T bank account ending in 0274 to her
12 Wells Fargo bank account ending in 2319.

13 Overt Act No. 15: On August 6, 2018, defendant T. NGUYEN wire
14 transferred \$150,000 from her CB&T bank account ending in 0274 to Co-
15 Conspirator 2's Wells Fargo account ending in 8564.

16 Overt Act No. 16: On September 5, 2018, defendant T. NGUYEN
17 used her BoW bank account ending in 5754 to receive a wire transfer
18 of approximately \$755,244.03 in fraudulent mortgage proceeds.

19 Overt Act No. 17: On September 7, 2018, defendant T. NGUYEN
20 wire transferred \$100,000 from her BofW bank account ending in 5754
21 to Co-Conspirator 3's Wells Fargo account ending in 3023.

22 Overt Act No. 18: On September 11, 2018, defendant T. NGUYEN
23 withdrew \$10,000 cash from her BofW bank account ending in 5754.
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COUNTS TWO AND THREE

[18 U.S.C. §§ 1344(2), 2(a), 2(b)]

[ALL DEFENDANTS]

A. SCHEME TO DEFRAUD

7. Beginning on a date unknown to the Grand Jury and continuing until in or around August 2018, in Orange County, within the Central District of California, and elsewhere, defendants THAO THI KIM NGUYEN ("T. NGUYEN") and NGHIEP CHINH NGUYEN ("N. NGUYEN"), together with others known and unknown to the Grand Jury, each aiding and abetting the others, knowingly and with intent to defraud, executed a scheme to obtain moneys, funds, assets, and other property owned by and in the custody and control of CB&T, by means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

8. The fraudulent scheme operated, in substance, in the following manner:

a. Paragraph 5 of this Indictment is re-alleged here.

B. EXECUTION OF THE SCHEME TO DEFRAUD

9. On or about the dates below, in Orange County, within the Central District of California, and elsewhere, defendants T. NGUYEN and N. NGUYEN, together with others known and unknown to the Grand Jury, each aiding and abetting the others, executed the fraudulent scheme, by committing and willfully causing others to commit the following acts:

COUNT	DATE	ACT
TWO	08/02/2018	Wire transferring \$300,000 from defendant T. NGUYEN's CB&T checking account ending in 0274 to defendant T. NGUYEN's Wells Fargo account ending in 2319

COUNT	DATE	ACT
THREE	08/06/2018	Wire transferring \$150,000 from defendant T. NGUYEN's CB&T checking account ending in 0274 to Co-Conspirator 2's Wells Fargo account ending in 8564

COUNTS FOUR THROUGH EIGHT

[18 U.S.C. §§ 1344(2), 2(a), 2(b)]

[DEFENDANT T. NGUYEN]

A. SCHEME TO DEFRAUD

10. Beginning on a date unknown to the Grand Jury and continuing until in or around September 2018, in Orange County, within the Central District of California, and elsewhere, defendant THAO THI KIM NGUYEN ("T. NGUYEN"), together with others known and unknown to the Grand Jury, each aiding and abetting the others, knowingly and with intent to defraud, executed a scheme to obtain moneys, funds, assets, and other property owned by and in the custody and control of BofW, by means of material false and fraudulent pretenses, representations, and promises, and the concealment of material facts.

11. The fraudulent scheme operated, in substance, in the following manner:

a. Paragraph 5 of this Indictment is re-alleged here.

B. EXECUTION OF THE SCHEME TO DEFRAUD

12. On or about the dates below, in Orange County, within the Central District of California, and elsewhere, defendant T. NGUYEN, together with others known and unknown to the Grand Jury, each aiding and abetting the others, executed the fraudulent scheme, by committing and willfully causing others to commit the following acts:

COUNT	DATE	ACT
FOUR	07/11/2018	Wire transferring \$150,000 from defendant T. NGUYEN's BofW checking account ending in 5754 to defendant T. NGUYEN's Wells Fargo account ending in 2319

COUNT	DATE	ACT
FIVE	09/05/2018	Using defendant T. NGUYEN's BofW checking account ending in 5754 to receive wire transfer of \$755,244.03 in fraudulent mortgage proceeds
SIX	09/07/2018	Wire transferring \$100,000 from defendant T. NGUYEN's BofW checking account ending in 5754 to Co-Conspirator 3's Wells Fargo account ending in 3023
SEVEN	09/07/2018	Wire transferring \$200,000 from defendant T. NGUYEN's BofW checking account ending in 5754 to defendant T. NGUYEN's Wells Fargo account ending in 2319
EIGHT	09/11/2018	Withdrawing \$10,000 cash from defendant T. NGUYEN's BofW checking account ending in 5754

COUNT NINE

[18 U.S.C. §§ 1028A(a)(1), 2(a), 2(b)]

[DEFENDANT N. NGUYEN]

13. On or about the date below, in Orange County, within the Central District of California, defendant NGHIEP CHINH NGUYEN ("N. NGUYEN") knowingly possessed and used, and willfully caused to be possessed and used, without lawful authority, means of identification that defendant N. NGUYEN knew belonged to another person, namely, the name, date of birth, and Social Security Number of the person listed below, during and in relation to the offenses of Conspiracy to Commit Bank and Wire Fraud, a felony violation of Title 18, United States Code, Section 1349, and Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in the following counts of this Indictment:

COUNT	DATE	IDENTITY	LOCATION	PREDICATE OFFENSE
NINE	07/27/2018	T.C.T.	Garden Grove, California	COUNT ONE

COUNT TEN

[18 U.S.C. §§ 1028A(a)(1), 2(a), 2(b)]

[ALL DEFENDANTS]

14. On or about the date below, in Orange County, within the Central District of California, defendants THAO THI KIM NGUYEN ("T. NGUYEN") and NGHIEP CHINH NGUYEN ("N. NGUYEN") knowingly possessed and used, and willfully caused to be possessed and used, without lawful authority, means of identification that defendants T. NGUYEN and N. NGUYEN knew belonged to another person, namely, the name, date of birth, and Social Security Number of the person listed below, during and in relation to the offenses of Conspiracy to Commit Bank and Wire Fraud, a felony violation of Title 18, United States Code, Section 1349, and Bank Fraud, a felony violation of Title 18, United States Code, Section 1344(2), as charged in the following counts of this Indictment:

COUNT	DATE	IDENTITY	LOCATION	PREDICATE OFFENSE
TEN	07/30/2018	T.C.T.	Orange, California	COUNT TWO

COUNTS ELEVEN AND TWELVE

[18 U.S.C. §§ 1028A(a)(1), 2(a), 2(b)]

[DEFENDANT T. NGUYEN]

15. On or about the dates below, in Orange County, within the Central District of California, defendant THAO THI KIM NGUYEN ("T. NGUYEN") knowingly possessed and used, and willfully caused to be possessed and used, without lawful authority, means of identification that defendant T. NGUYEN knew belonged to another person, namely, the names, dates of birth, and Social Security Numbers of the persons listed below, during and in relation to the offenses of Conspiracy to Commit Bank and Wire Fraud, a felony violation of Title 18, United States Code, Section 1349, and Bank Fraud, a felony violation of

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Title 18, United States Code, Section 1344(2), as charged in the following counts of this Indictment:

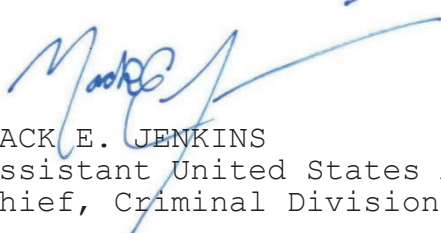
COUNT	DATE	IDENTITY	LOCATION	PREDICATE OFFENSE
ELEVEN	07/30/2018	N.T.A.N.	Orange, California	COUNT ONE
TWELVE	09/05/2018	L.T.B.	Garden Grove, California	COUNT SIX

A TRUE BILL

/s/

Foreperson

E. MARTIN ESTRADA
United States Attorney


MACK E. JENKINS
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BENJAMIN R. BARRON
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